

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

1.	ROBERT BENTLEY EMERSON,)	
)	
	Plaintiff,)	
v.)	
)	14-CV-
1.	OMAR AGUILAR, Individually, and ENGLISH COLLISION INC,)	
)	
	Defendants.)	

COMPLAINT

COMES NOW Plaintiff, Robert Emerson, by and through the undersigned and for his cause of action, alleges and states:

1. Jurisdiction is vested in this Court pursuant to 28 U.S.C. § 1332 in that Plaintiff is a resident of McIntosh County, State of Oklahoma. Defendant Omar Aguilar is a resident of the State of Texas and Defendant English Collision, Inc. is incorporated with its principle headquarters in the State of Texas.
2. On or about January 15 2013, Plaintiff, Robert Emerson, was involved in a collision with an automobile driven by Omar Aguilar. The collision occurred near US Highway 380 and E. University Drive, City of Denton, County of Sherman, Texas. The collision occurred as Plaintiff Emerson was traveling in the center lane and Defendant Aguilar lost control, went into oncoming traffic and was struck by Plaintiff causing the accident in question.
3. The collision described above was a direct result of the negligence of Omar Aguilar in that he failed to exercise reasonable care in operating the vehicle he was driving.
4. Defendant Aguilar is negligent *per se* for the injuries to Plaintiff Emerson.
5. That at the time of the subject collision, Defendant Omar Aguilar was an agent, servant, and/or employee of Defendant English Collision, Inc., and was acting in that capacity.

6. Defendant English Collision, Inc. is responsible for the acts of its agents, servants, and/or employees who are acting within the course and scope of their duties.

7. Defendant English Collision, Inc. knowingly entrusted its vehicle to an incompetent and/or reckless driver, Omar Aguilar, who negligently failed to control his speed and collided with Plaintiff's vehicle proximately causing Plaintiff's injuries and damages.

8. At the time of the accident, Defendant English Collision, Inc, employed Defendant Omar Aguilar, an incompetent and/or reckless employee and then failed to exercise ordinary care in hiring, supervising, and/or retaining such employee. Defendant's failure to hire, supervise, and/or retain employees proximately caused Plaintiff's injuries and damages.

9. That as a result of these Defendants' negligence, Plaintiff has incurred medical expenses, loss of earnings, physical pain and suffering, property damage, mental pain and suffering, loss of enjoyment of life and permanent disfigurement.

10. The collision described above was a direct result of the negligence of Defendant Omar Aguilar in that he failed to exercise reasonable care in operating the vehicle he was driving. Further, Defendant Aguilar's actions were unreasonable and dangerous and constituted intentional and malicious conduct threatening to human life, and acted with reckless with wanton disregard for human life thereby warranting the imposition of punitive damages.

11. That as a result of the above-reference acts, the Plaintiff has been damaged in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff, Robert Emerson, pray for judgment against the Defendants, and each of them, in an amount in excess of \$75,000.00, plus interest, costs, and all other relief this Court deems just and equitable.

Respectfully submitted,

GRIFFIN, REYNOLDS & ASSOCIATES

/S/ Billy D. Griffin

Billy Griffin, OBA No. 17645

Jason Reynolds, OBA No. 18132

210 S.E. 89th Street

Oklahoma City, OK 73149

(405) 721-9500

(405) 721-9503 Facsimile

ATTORNEYS FOR PLAINTIFF

ATTORNEY LIEN CLAIM
JURY TRIAL DEMANDED